(2)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P.No. 2221 /01.

Petitioner : D.R. Dayal S/o Late Shri U.D. Dayal
aged 53 years, R/o Civil Line,
DURG (Chhattisgarh).

V/S.

Respondents : (1) State of Chhattisgarh
Through - Principle Secretary
Law and Legislature Department,
D.K. Building,
RAIPUR (C.G.).

(2) Distt. and Session Judge,
DURG.

(3) Chief Judicial Magistrate,
DURG.

(4) President,
Bar Association, Durg.

(5) Secretary,
Bas Association, Durg.

P.R. No. 2210/01
Presented by Shri T.K. Tiwari
dated 16/10/01

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTIONAL LAW OF INDIA.

1. Particulars of the petitioner -

As given in cause title.

2. Particulars of the Respondents -

As given in cause title.

16.10.01

contd...2

(32)

Writ Petition U/A 226 & 227 of the constitution of India relating to service against the order dt. 13/10/01 Annexure P/10

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 2221 सन् 2001

D.R.Dangal विरुद्ध State of C.G. & Ors.

Single Bench

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
06.11.2001	Shri T.K.Tiwari, learned counsel for the petitioner. Shri Deep Kesharwani, learned Panel Lawyer for the respondent / State. Heard. The impugned order was issued on 13.10.2001 by the Chief Judicial Magistrate, Durg - respondent No.3. It is reflected in the impugned order that the High Court in its administrative side has issued certain instructions. Consequently, the impugned order was issued by the Chief Judicial Magistrate with-drawing certain criminal cases from the file of the writ petitioner who is Judicial Magistrate First Class. Admittedly, C.J.M. has the jurisdiction to allot	PR 22/11/01

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

cases to a particular Court. The C.J.M. has also the jurisdiction and power to withdraw certain cases from any Court. Whether this power is exercisable by C.J.M. is not the point at issue. What is at issue according to Shri T.K.Tiwari is that certain complaint was made and because of that only without giving the petitioner opportunity of hearing criminal cases have been withdrawn from the file of the writ petitioner. The impugned order does not reflect that any action has been taken because of certain complaints. At the same time, since this Registry has not been impleaded as a party respondent even otherwise this matter cannot be effectively examined. On one issue I may state that if the C.J.M. is the authorised person under the law to assign cases to a particular Court and also to withdraw some cases from a particular Court, it cannot be said that the impugned order has been issued illegally. The exercise of power of assigning and also withdrawing cases from a particular Court by C.J.M. is an administrative action. Just because certain criminal cases have been withdrawn from the file of the writ petitioner, it cannot be said that the writ petitioner's status has been affected.

It is stated by Shri T.K.Tiwari that at the moment the writ petitioner is taking up only civil cases. The action of the C.J.M. in no way will affect the service career of the writ petitioner.

(Contd...3..)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No.2221/2001

मामला क्रमांक ..... सन् 200

..... बिरुद्ध .....

आदेश का दिनांक,आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	(Contd. order dated 06.11.2001) -: 3 :- In the light of what I have stated above, I am not inclined to accept this petition. Accordingly, this petition is rejected. Sd/- Chief Justice	
ss/-		

[पीछे देखिये